

**\*\*CONFIDENTIAL\*\* – For the Orange County District Attorney's Office**

**EXECUTIVE SUMMARY**

This confidential briefing for Orange County law enforcement presents evidence of the sale of aborted fetal tissue from Orange County abortion clinics and other companies, and other related actions, in violation of California and federal law.

**CA Laws:**

***Penal Code 187.***

(a) Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.

***Penal Code 367f.***

(a) Except as provided in subdivisions (d) and (e), it shall be unlawful for any person to knowingly acquire, receive, sell, promote the transfer of, or otherwise transfer any human organ, for purposes of transplantation, for valuable consideration.

***Health and Safety Code 7150.10.***

(4) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than this chapter, a fetus.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

***Health and Safety Code 7150.75.***

(a) Except as otherwise provided in subdivision (b), a person that, for valuable consideration, knowingly purchases or sells a part for transplantation or therapy, if removal of a part from an individual is intended to occur after the individual's death, is guilty of a felony and is subject to a fine not exceeding fifty thousand dollars (\$50,000), or imprisonment not exceeding five years, or both the fine and imprisonment.

***Health and Safety Code 123435.***

The rights to medical treatment of an infant prematurely born alive in the course of an abortion shall be the same as the rights of an infant of similar medical status prematurely born spontaneously.

***Health and Safety Code 123440.***

(a) It is unlawful for any person to use any aborted product of human conception, other than fetal remains, for any type of scientific or laboratory research or for any other kind of experimentation or study, except to protect or preserve the life and health of the fetus. "Fetal remains," as used in this section, means a lifeless product of conception regardless of the duration of pregnancy. A fetus shall not be deemed to be lifeless for the purposes of this section, unless there is an absence of a discernible heartbeat.

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(b) In addition to any other criminal or civil liability that may be imposed by law, any violation of this section constitutes unprofessional conduct within the meaning of the Medical Practice Act, Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

**Federal Laws:**

***18 U.S.C. 1531. Partial-birth abortions prohibited.***

(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both. [...]

(b) As used in this section—

(1) the term “partial-birth abortion” means an abortion in which the person performing the abortion—

(A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(B) performs the overt act, other than completion of delivery, that kills the partially delivered living fetus;

***32 U.S.C. 289g-2. Prohibitions regarding human fetal tissue.***

(a) Purchase of tissue It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

**Violations of State and Federal Law in Orange County:**

**1) Da Vinci Biosciences, LLC/DV Biologics, LLC (DVB)** sells fetal tissue for profit from its office in Costa Mesa to researchers across the country

**2) Planned Parenthood Orange & San Bernardino Counties (PPOSBC)** supplies fetal tissue to **DVB** for profit

**3) PPOSBC** uses partial-birth abortion procedures in order to supply fetal tissue to **DVB**

**4) PPOSBC’s** abortion practices for fetal tissue sales to **DVB** produce born-alive infants who are killed through either neglect or overt homicide by **PPOSBC** or **DVB** staff

**5) PPOSBC** sells fetal tissue and uses illegal abortion procedures with the knowledge and encouragement of Planned Parenthood Federation of America (**PPFA**)

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**Key Entities/Persons:**

**DaVinci Biosciences, LLC/DV Biologics, LLC:** Stem cell research company and human biologics supply company located in Costa Mesa. DaVinci Biosciences is the main organization, and DV Biologics is its sister company that acts as its tissue procurement arm. The same individuals control both business entities and they share the same office.

**Planned Parenthood Orange & San Bernardino Counties:** The local Orange County affiliate of Planned Parenthood. They operate a large, high-volume abortion clinic in Orange where they perform abortions up to 24 weeks' gestation.

**Planned Parenthood Federation of America:** The national franchise of Planned Parenthood, which sets and oversees medical standards and guidelines and other policies and protocols for all affiliates. PPFA is the largest abortion provider in the United States.

**Jennefer Russo, MD:** Medical Director for Planned Parenthood Orange & San Bernardino. She performs abortions up to 24 weeks and does most of the later cases at PPOSBC.

**Deborah Nucatola, MD:** Senior Director of Medical Services, PPFA. She oversees the medical practice of all Planned Parenthood clinics, trains PP abortion doctors, and performs abortions herself up to 24 weeks in southern California and New York City.

**Marty Kilian:** Regional Sales Manager, DV Biologics/Business Development Manager, DaVinci Biosciences.

**Toai Nguyen:** Senior Scientist, DaVinci Biosciences.

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**1) DVB sells fetal tissue for profit from its office in Costa Mesa:**

DV Biologics, the procurement arm of DaVinci Biosciences, sells whole aborted fetal organs as well as various products derived from them:

**Caller:** *Hi. I was calling, wondering about your guys's custom tissue procurement services. Is that something that you can do?*

**DV:** *Uh, yes, we can do that. So what tissue you interested in?*

**Caller:** *Yeah, I'm working on a SCID mouse study, a humanized mouse modeling, so what I need is paired human fetal liver, thymus, and, fetal liver and thymus pairs.*

**Caller:** *And those would need to be like 18 to 22 weeks gestation.*

**DV:** *Okay, 18 to 22 week range. And how much?*

**Caller:** *I would need--*

**DV:** *The whole thymus?*

**Caller:** *Yeah, yeah.*

**DV:** *So I guess, the whole thymus, and then as much of the liver we can get.*

DV Biologics also sells cell products from aborted fetal hearts, livers, intestines, tongues, skin, bones, brains, lungs, muscles, and kidneys:

**CARDIOVASCULAR SYSTEMS - PRENATAL**

Product	Quantity	Catalog Number	Price
Heart Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PC001-F	\$500
Cardiomyocytes	5 x 10 <sup>5</sup> cells/vial	PC008-F	\$700
Cardiac Stromal Cells	5 x 10 <sup>5</sup> cells/vial	PC009-F	\$600
Cardiac Progenitor Cells	5 x 10 <sup>5</sup> cells/vial	PC015-F	\$650
Aortic Cells	5 x 10 <sup>5</sup> cells/vial	PC016-F	\$600

**DIGESTIVE SYSTEMS - PRENATAL**

Product	Quantity	Catalog Number	Price
Liver Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PD001-F	\$250
CD34+ Liver Cells	5 x 10 <sup>5</sup> cells/vial	PD002-F	\$450
CD133+ Liver Cells	5 x 10 <sup>5</sup> cells/vial	PD003-F	\$775
Stomach Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PD005-F	\$300
Small Intestines Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PD007-F	\$300
Large Intestines Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PD008-F	\$300
Tongue Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PD009-F	\$350
CD34+ Endothelial Liver Cells	5 x 10 <sup>5</sup> cells/vial	PD012-F	\$650
CD34- Liver Cells	5 x 10 <sup>5</sup> cells/vial	PD013-F	\$200
Small Intestines Epithelial Cells	5 x 10 <sup>5</sup> cells/vial	PD015-F	\$700
Esophagus Epithelial Cells	5 x 10 <sup>5</sup> cells/vial	PD016-F	\$900
CD133- Liver Cells	5 x 10 <sup>5</sup> cells/vial	PD021-F	\$200

**INTEGUMENTARY SYSTEMS - PRENATAL**

Product	Quantity	Catalog Number	Price
Skin Fibroblasts	5 x 10 <sup>5</sup> cells/vial	PI001-F	\$400

**HEMATOPOIETIC SYSTEMS - PRENATAL**

Product	Quantity	Catalog Number	Price
CD34+ Bone Marrow Cells (Pooled)	Variable	PH003-F	Inquire
Bone Marrow Stromal Cells	5 x 10 <sup>5</sup> cells/vial	PH005-F	\$500
CD34- Bone Marrow Cells	5 x 10 <sup>5</sup> cells/vial	PH008-F	\$200
CD133- Bone Marrow Cells	5 x 10 <sup>5</sup> cells/vial	PH016-F	\$200

**NEURAL SYSTEMS - PRENATAL**

Product	Quantity	Catalog Number	Price
Neural Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PN001-F	\$600
Neural Progenitor Cells	5 x 10 <sup>5</sup> cells/vial	PN003-F	\$900
PSA-NCAM+ Cells	5 x 10 <sup>5</sup> cells/vial	PN004-F	\$900
A2B5+ Neural Cells	5 x 10 <sup>5</sup> cells/vial	PN006-F	\$900

**PULMONARY SYSTEMS - PRENATAL**

Product	Quantity	Catalog Number	Price
Lung Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PP001-F	\$300
Pulmonary Fibroblasts	5 x 10 <sup>5</sup> cells/vial	PP002-F	\$375
Pulmonary Epithelial Cells	5 x 10 <sup>5</sup> cells/vial	PP007-F	\$700

**SKELETAL MUSCLE SYSTEMS - PRENATAL**

Product	Quantity	Catalog Number	Price
Skeletal Muscle Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PM001-F	\$500
Skeletal Muscle Progenitor Cells	5 x 10 <sup>5</sup> cells/vial	PM002-F	\$650
Skeletal Muscle Cells	5 x 10 <sup>5</sup> cells/vial	PM003-F	\$600
Osteoblasts	5 x 10 <sup>5</sup> cells/vial	PM005-F	\$300

**URINARY SYSTEMS - PRENATAL**

Product	Quantity	Catalog Number	Price
Kidney Cells (Uncultured)	5 x 10 <sup>5</sup> cells/vial	PU001-F	\$300
Kidney Epithelial Cells	5 x 10 <sup>5</sup> cells/vial	PU002-F	\$450

*Prenatal (fetal) products from DV Biologics  
2013-2014 Catalog*

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DV Biologics LLC  
 Phone 888 773-5959  
 Fax 877 773-5959  
 1239 Victoria Street

**Estimate**

Date	Estimate #
3/4/2015	234

Name / Address
Michael Petrakis University of Oklahoma Oklahoma petrakis00michael@gmail.com

Project

Item	Description	Qty	U/M	Rate	Total
BIOSOURCE-C...	Paired Fresh Tissue Procurement / 1/2 Liver pre-natal	1		350.00	350.00
BIOSOURCE-C...	Paired Fresh Tissue Procurement / Thymus pre-natal	1		500.00	500.00
PACKAGING ... Fedex.	Packaging & Handling Fee - US			195.00	195.00
	Federal Express Charge			74.00	74.00
USE - Pre Pay and add to Invoice- Priority Overnight			<b>Subtotal</b> \$1,119.00		
			<b>Sales Tax (0.0%)</b> \$0.00		
			<b>Total</b> \$1,119.00		

Phone #	Fax #
888 773 5959	877 773 5959

*Price quote from DV Biologics for aborted fetal liver and thymus*

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## **2) PPOSBC supplies aborted fetal tissue to DVB for profit**

In 2014, Deborah Nucatola, Senior Director of Medical Services for PPFA, told CMP investigators that the Orange County Planned Parenthood affiliate was partnered with a local biotech company to supply aborted fetal tissue:

**Buyer:** *I know that we had spoken a couple times about the Orange County affiliate, which I think, is literally the closest to us right now.*

**Deborah Nucatola, PPFA:** *Yeah, and I reached out to their medical director, and they're working with someone, I don't know who it is.*

CMP investigators got the name of the company from Jennefer Russo, the PPOSBC Medical Director, earlier this year:

**Buyer:** *But so Deborah had said that you guys are working with a private biotech company in Irvine or something. Or I don't know—*

**Jennefer Russo, PPOSBC:** *Yeah. It's—DaVinci.*

DaVinci Biosciences, LLC, maintains its sister company DV Biologics, LLC as is human tissue procurement arm. DVB confirmed to us earlier this year that it harvests its fetal tissue from a local source:

**Buyer:** *And do you source only from California, or do you have sites—*

**DaVinci Biosciences/DV Biologics:** *Oh yes, it's local.*

DaVinci Biosciences was listed as a major financial contributor to PPOSBC in their 2008-2009 Annual Report, the only public listing of donors:

### **\$2,500 - \$4,999**

Carolyn Brown  
Laura Lee and Lance Brown  
Jane and Joe Hanauer  
Ardiste Ladin  
Nora and Hal Lehman  
Keiko Sakamoto Witte and William Witte

Beverly A. Sansone, M.D.  
Edward and Helen Shanbrom Family Fund  
Mr. Ygal Sonenshine and  
The Honorable Sheila Prell Sonenshine  
Susan and Cory Thabit  
Phyllis and Ralph Wallace

### **\$1,000 - \$2,499**

Mr. and Mrs. William Balfour  
Cantor Shannon McGrady Bane  
Mr. and Mrs. Malcolm Bruce  
California Teachers Association – Women's Caucus  
Ms. Rochelle Campbell  
Kyme and Tony Chiapuzio  
Karen and Bruce Clark  
Roberta and Jerry Dauderman  
**DaVinci Biosciences LLC**  
Mr. Timothy Dillon

Catherine Conrad Menton  
Mr. Richard Meyer  
Mr. and Mrs. Don Milder  
Mr. Paul Multari  
Ms. Crystal Nazarian  
Mary and Jon Nord  
John and Kerry Phelps  
James Gula and Peggy Pugh, M.D.  
Mr. James Ramos  
Carol and Keating Rhoads

**2008-2009 CONTRIBUTORS**

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**3) PPOSBC uses partial-birth abortions to supply intact fetal tissue to DVB**

The illegal partial-birth abortion procedure, is characterized by the abortion doctor’s use of ultrasound guidance and forceps to convert the fetus to breech (feet-first) position, and extract the fetus intact and alive (18 USC 1531).

**Deborah Nucatola**, Senior Director of Medical Services for PPFA, has admitted to CMP investigators that she uses this procedure to harvest intact fetal brain:

*“It makes a huge difference. I’d say a lot of people want liver. And **for that reason, most providers will do this case under ultrasound guidance**, so they’ll know where they’re putting their forceps.”*

*“So if you **do it starting from the breech presentation**, there’s dilation that happens as the case goes on, and often, the last step, you can evacuate an intact calvarium at the end.”*

*“Under ultrasound guidance, **they can just change the presentation.**”*

**—Deborah Nucatola, PPFA**

**Dr. Jennefer Russo**, Medical Director for Planned Parenthood Orange & San Bernardino Counties, admitted to CMP investigators that she is able to use the same procedure to facilitate fetal tissue collection:

**Buyer:** *We’ve been in communication with Deborah Nucatola, and she’s very conscientious about trying to facilitate the process, and even convert to breech on ultrasound to make sure we can get everything out in the right—*

**PPOSBC:** *We like to do that too.*

**Buyer:** *Oh you do?*

**PPOSBC:** *Yeah.*

**Buyer:** *Excellent, yeah.*



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**4) PPOSBC’s abortion practices for fetal tissue sales to DVD produce born-alive infants who are killed through either neglect or overt homicide by PPOSBC or DVB staff**

Most fetal tissue requests are for 2<sup>nd</sup> trimester specimens. For research procurement, fetal tissue needs to be as intact and fresh as possible, both for ease of identification and also to preserve cell viability. Any fetidical agents, like digoxin (dig, for short), must also be withheld because dig would poison the tissues and destroy the stem cells. The attempt to deliver intact fetuses and the absence of fetidical agents means that fetuses for tissue procurement may be delivered whole and alive, and are thus born-alive infants under California law:

**Buyer:** *So, the company you’re working with right now, they have very clear specifications, do they take the whole specimen?*

**PPOSBC:** *Yeah. They take the whole specimen. And they, it’s only certain gestations, **no dig[oxin]***

**Buyer:** *And when do you start using dig?*

**PPOSBC:** *Well, 20 weeks. But **we don’t dig right now** because there’s a shortage.*

**PPOSBC:** *So **you’re looking ideally for an intact specimen?***

**Buyer:** *As intact as possible is good, yeah.*

**PPOSBC:** *Even though we use the technique, et cetera, but we’re not really trying. So. **It happens sometimes**, but.*

**Buyer:** *Yeah. That’s where it gets tricky.*

**PPOSBC:** ***But, we try.***

**Buyer:** *You try.*

**PPOSBC:** *It’s an easier procedure, yeah.*

**Buyer:** *Yeah, when you’ve got—*

**PPOSBC:** *Yeah.*

DaVinci Biosciences published recently that they used intestines from late 2<sup>nd</sup>-trimester fetuses from elective “medical abortions.” A medical abortion uses labor induction to deliver an intact fetus:

**Human Prenatal Small Intestine Cells as a Valuable Source of Stem Cells and Epithelial Cells: Phenotypic and Functional Characterization**

Rami Nasrallah, Toai Nguyen, Anasua Kusari, Kelly Burgee and Rafael Gonzalez

DaVinci Biosciences LLC, Costa Mesa, California, USA.

**Materials and Methods**

**Cell culture.** HPIEC were isolated from 17- to 18-week-old pre-natal small intestine tissue made available from elective medical abortions, with informed consent of donors. The



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**5) PPOSBC sells fetal tissue and uses illegal abortion procedures with the knowledge and encouragement of PPFA**

Deborah Nucatola, Senior Director of Medical Services for PPFA, has indicated to CMP investigators that the parent organization is aware of the fetal tissue activities of Planned Parenthood in Orange County:

**Buyer:** *So, you spoke with the medical director of the Orange affiliate, and they have an organization already, they’re not interested in changing? Do you know anything- what in particular they are really satisfied with from that relationship, that maybe we can emulate?*

**PPFA:** *I didn’t probe, I just asked if they were interested, they said they were working with someone. I don’t know who it is. I know years ago there was someone they were working with, and they stopped for a little bit, I don’t know if they started again.*

Nucatola also helped facilitate networking between CMP investigators posing as a new fetal tissue procurement company, and the Orange County PP affiliate:

**Buyer:** *Can you find out who the company is that they’re working with?*

**PP:** *Sure.*

**Buyer:** *Because especially if it’s not a procurement organization, but just a biotech lab that happens to be in Orange County. So that—I didn’t mean to interrupt you. Sorry.*

**PP:** *Oh no. I’ll ask them, but I’ll also push Jennefer Russo to your table. She’s the Medical Director of Orange County. I’ll make sure you guys connect with her.*

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